

**Meeting audio can be found at [lebanontownship.net](http://lebanontownship.net).**

**Lebanon Township Committee  
November 17, 2021**

**Minutes of Regular Meeting**

**CALL TO ORDER**

Mayor Mike Schmidt called the meeting to order at 7:00 p.m. and stated that in compliance with the “Open Public Meeting Act” this is a Regular Meeting of the Township Committee as published in the Hunterdon Review, the agenda has been posted at the Municipal Building and distributed to the Hunterdon Review, Courier News, the Express Times, the Hunterdon County Democrat and the Star Ledger.

**FLAG SALUTE**

Mayor Schmidt asked everyone to please stand for the Flag Salute and for a moment of silence in honor of our Servicemen and Women and First Responders.

**ROLL CALL**

Present -                   Mike Schmidt                   Thomas McKee                   Beverly Koehler  
                                  Marc Laul                   Guy Wilson

Absent-                   Administrator James Barberio

Also Present -            Attorney Matthew Lyons, Clerk Karen Sandorse and 6 members of the public.

Mayor Schmidt thanked Mr. Abe Abuchowski for the time he served on the Township Committee and the many years he served on the Board of Adjustment.

**OATH OF OFFICE – TOWNSHIP COMMITTEE MEMBER**

Attorney Lyons read the 2021 General Election Certification for the record.

Attorney Lyons administered the Oath of Office to Guy R. Wilson, Township Committeeman ~ Term expiring 12/31/2022.

Mr. Wilson thanked Mr. Abuchowski for his service.

Mr. Wilson stated that he has resigned from his appointment as Alternate Counsel for the Board of Adjustment.

**PRESENTATION OF MINUTES –**

**Minutes of the October 6, 2021 Executive Session Meetings**

*Motion by Mr. Laul, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved minutes of the October 6, 2021 Executive Session Meeting. AYES: Laul, McKee, Koehler Schmidt ABSTAIN: Wilson*

**Minutes of the October 20, 2021 Executive Session Meetings**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by favorable roll call vote, the Township Committee approved minutes of the October 20, 2021 Executive Session Meeting. AYES: Laul, McKee, Koehler, Schmidt ABSTAIN: Wilson*

**Minutes of the November 3, 2021 Regular and Executive Session Minutes**

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by favorable roll call vote, the Township Committee approved minutes of the November 3, 2021 Regular and Executive Session Meeting. AYES: Laul, McKee, Koehler, Schmidt ABSTAIN: Wilson*

**PUBLIC COMMENTS – for agenda items only.**

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:07 p.m.*

Ms. Koehler read a statement about the Medical Cannabis Resolution 85-2021 from the last meeting.

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting at 7:17 p.m.*

**RESOLUTIONS**

Resolution No. 86-2021 - Resolution of The Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, Authorizing an Interlocal Services Agreement with the Township of Tewksbury and the Borough of Califon

*Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 86-2021 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 86-2021  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF

NEW JERSEY, AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT  
WITH THE TOWNSHIP OF TEWKSBURY AND THE BOROUGH OF CALIFON

WHEREAS, the Township of Lebanon, the Township of Tewksbury and the Borough of Califon have previously entered into a valid Interlocal Services Agreement for the provision of State Uniform Construction Code Enforcement Services by the Township of Tewksbury; and

WHEREAS, the aforesaid municipalities have concluded that it would be in their best interests to extend this agreement prior to its expiration; and

WHEREAS, the agreement, in the form attached hereto, which sets forth the terms and conditions of the provision of the services and has been reviewed and approved by the Township of Lebanon Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, that the Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement with the Township of Tewksbury and the Borough of Califon.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon adoption.

**Resolution No 87-2021 - Township of Lebanon County of Hunterdon State of New Jersey  
Resolution Renewing Plenary Retail Consumption  
Licenses**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 87-2021 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 87-2021  
RESOLUTION RENEWING PLENARY  
RETAIL CONSUMPTION LICENSES

WHEREAS, each of the listed Plenary Retail Consumption Licensees have submitted application forms that have been completed in all respects; and

WHEREAS, the applicants are qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, each have paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed Licenses be granted a renewal for the 2019-2020 license term Nunc Pro Tunc October 20, 2021.

**Resolution No. 88-2021 - Township of Lebanon County of Hunterdon State of New Jersey  
Renewing Plenary Retail Consumption Licenses**

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 88-2021 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 88-2021  
RESOLUTION RENEWING PLENARY  
RETAIL CONSUMPTION LICENSES

WHEREAS, each of the listed Plenary Retail Consumption Licensees have submitted application forms that have been completed in all respects; and

WHEREAS, the applicants are qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, each have paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed License be granted a renewal for the 2020-2021 license term Nunc Pro Tunc October 20, 2021.

1019-33-002-005 ONOROSA INC. 282 Route 513

**UNFINISHED BUSINESS**

**Memorial Policy**

Mr. Laul stated that the proposed Memorial Policy was provided to the Park Committee for their review and comments as they are the primary group that deals with memorials. Mr. Laul noted that annually or biannually the Park Committee can prepare a list of donations that would fit their need in the park. Donations will come to the Township with a request form. Mr. Laul said that the need for maintenance during the life of the memorial will need to be considered as well as an end-of-life policy. Mr. Laul said that once the Committee approves the Memorial Policy, they will need to consider other municipal properties to see if memorials will or will not be permitted.

Ms. Koehler said that she and Mr. Laul met with the Park Committee twice to discuss the Policy. Ms. Koehler said that she took back the comments of the Park Committee and researched around the Country to pick things that seemed to best fit the Township. Ms. Koehler noted that they did get the blessing from the Park Committee.

Discussion held.

Ms. Koehler and Mr. Laul asked for the Committee to review the policy to provide remarks at a later meeting. Attorney Lyons advised that the Policy will need to be adopted through an ordinance.

## **PERSONNEL POLICY AND PROCEDURE MANUAL**

Mayor Schmidt stated that the Committee received the newest draft of the Personnel Policy and Procedure Manual this morning. It will likely be placed on the next meeting agenda for discussion.

## **NEW BUSINESS**

### **EOSC – Naming of Preserved Properties**

Attorney Lyons noted that naming the properties will have to be done through an ordinance.

Mr. Adam Duckworth, Chairman of the Environmental and Open Space Committee stated that the EOSC is proposing to name five parcels of preserved land in the Township. The parcels are all solely owned by the Township. The proposal is to name three lots as one as they adjoin each other. The other two lots will be named individually. Mr. Duckworth stated that the proposal represents parcels that the Township has some ownership stake that they would like to advertise more. There may be trails placed on the property and they are already a part of the hunting program. EOSC had discussions on the names, they received some historical input and spoke with a few of the local residents in the Bunnvale area. The EOSC have agreed on names for two of the properties and is asking for Committee input on the last.

Mr. Duckworth made the following recommendations –

Block 36 Lot 18:04 – Commonly know as the Goracy Property – Woodglen-Miquin Trail  
Block 49 Lot 89.01, Block 49 Lot 89.02 and Block 49 Lot 4.02 – Anthony Preserve

Block 24 Lot 2- Suggestions for the Committees approval – Bunnvale Preserve  
Sun Rise Preserve  
Bear Bunn Preserve

Mr. Duckworth said that this is an informal presentation and will be looking to be placed on the agenda of an upcoming meeting.

### **Newsletter Editor**

The Newsletter Editor, Karen Newman, has decided not to renew her contract with the Township. She will, however, continue as Webmaster. Mayor Schmidt thanked Ms. Newman for her service and noted that the Township will be looking for a replacement.

## **PRESENTATION OF VOUCHERS**

Committee Members provided a description of vouchers exceeding \$1000.00.

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the November 17, 2021 bill list in the amount of \$ 101,282.61.*

**CORRESPONDENCE**

- a. Recycling Coordinator Memo – Free Computer/Electronics and Scrap Metal Event
- b. Animal Control Report for the Month of October 2021
- c. EOSC Meeting Minutes – August – September - October 2021

**PUBLIC COMMENTS**

*Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:52 p.m.*

Ms. Joann Letters made comments regarding the Committee’s actions taken at the last meeting relative to Cannabis. She questioned how the Township got to where there is a potential of having a medical marijuana facility in the middle of the Township.

*Motion by Ms. Koehler, seconded by Mr. Wilson and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting at 7:57 p.m.*

**EXECUTIVE SESSION**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 89-2021 and convened in Executive Session at 7:58 p.m.*

Potential action may be taken on professional services.

Attorney Lyons stated that the Administrator is aware that discussion will be had on his position and waived his right for a Rice Notice.

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 89-2021

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Committee find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Committee will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that they will conduct an executive

session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

\_\_\_\_\_ A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon:

\_\_\_\_\_);

\_\_\_\_\_ A matter where the release of information would impair a right to receive funds from the federal government;

\_\_\_\_\_ A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

\_\_\_\_\_ A collective bargaining agreement, or the terms and conditions thereof (Specify contract: \_\_\_\_\_);

\_\_\_\_\_ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

\_\_\_\_\_ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_ Investigations of violations or possible violations of the law;

X  Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is):

**Professional Services Agreements** The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

\_\_\_\_\_ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer or the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will

be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.); The general nature of the matter is:

X  Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: And whereas the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists. –

#### **Administrator Interlocal**

\_\_\_\_\_ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Committee hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Township Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Committee, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

The Committee reconvened the public meeting at 8:33 p.m.

**ADJOURNMENT**

Having no further business to come before the Committee a motion was made by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote to adjourn the meeting at 8:33 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: February 16, 2022

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Mike Schmidt, Mayor